

PEARSON, J.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

FEDERAL DEPOSIT INSURANCE)	
CORPORATION, AS RECEIVER FOR)	CASE NO. 1:08CV2390
AMTRUST BANK,)	
)	
Plaintiff,)	JUDGE BENITA Y. PEARSON
)	
v.)	
)	
COMMONWEALTH LAND TITLE)	
INSURANCE CO.,)	
)	
Defendant.)	ORDER
)	[Resolving ECF No. 46]

This action is before the Court upon Defendant's Motion to Strike Affidavit of James DeFeo ([ECF No. 46](#)). The Court has reviewed the memorandum in support, memorandum in opposition ([ECF No. 49](#)), and reply memorandum ([ECF No. 50](#)).

Defendant contends that "the Affidavit and Exhibits A(i)(A(ii) A(iii) A(iv) A(v) and A(x) are not admissible evidence and should be excluded from consideration" of Plaintiff's Motion for Summary Judgment ([ECF No. 44](#)). [ECF No. 50 at 6](#).¹

Defendant's Motion to Strike Affidavit of James DeFeo ([ECF No. 46](#)) is granted in part. In addressing the merits of Plaintiff's Motion for Summary Judgment ([ECF No. 44](#)), the Court

¹ Exhibit A(i) is the Note associated with the Wallace Loan. Exhibit A(ii) is the Wallace Mortgage. The Court fails to understand why these two exhibits should be excluded from consideration where Defendant agrees that "these documents are self-authenticating documents." ECF No. 50 at 3.

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will exclude the portions of the Affidavit of James DeFeo ([ECF No. 44-2](#)) and any document attached thereto that is inadmissible and therefore cannot be considered.

IT IS SO ORDERED.

September 30, 2011
Date

/s/ Benita Y. Pearson
Benita Y. Pearson
United States District Judge